

# Notice of Allowability

Application No.

10/689,595

Examiner

Derek L. Dupuis

Applicant(s)

ENEA ET AL.

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 8/18/2005.
2. ☒ The allowed claim(s) is/are 1-3,5-7,9-12 and 14.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Brian Healy  
Primary Examiner

## **DETAILED ACTION**

### ***Response to Arguments***

1. Claims 1-3, 5-7, 9-12 and 14 have been amended by applicant in the amendment filed on 8/18/2005. Claims 4, 8, and 13 have been cancelled by applicant.
2. Applicant's arguments, see page 13, in combination with the amendment to the specification filed 8/18/2005, with respect to the objection to the specification have been fully considered and are persuasive. The objection to the specification has been withdrawn.
3. Applicant's arguments, see pages 14-16, in combination with the amendments to the claims filed 8/18/2005, with respect to the rejection of claims 1-3 and 8-14 under 35 U.S.C. 103(a) have been fully considered and are persuasive. The rejection of claims 1-3 and 8-14 has been withdrawn.

### ***Allowable Subject Matter***

4. Claims 1-3, 5-7, 9-12, and 14 are allowed.
5. The following is an examiner's statement of reasons for allowance:
6. Claims 1-3 and 5-7 are allowable over the prior art of record because the latter, either alone or in combination, does not disclose nor render obvious a method for optimizing the sequence order of optical filters in a WDM system where the following parameters are used to determine the sequence order: the number of channels, the fiber loss profile, the set of wavelengths, the insertion loss model, the span length target, the power budget, and the number of intermediate nodes in combination with the rest of the claimed limitations.
7. Claims 9-12 are allowable over the prior art of record because the latter, either alone or in combination, does not disclose nor render obvious a device comprising a mux/demux structure of

passive optical filters for a WDM multi-channel transmission system where the mux/demux structure is obtained by a method for optimizing the sequence order of optical filters in a WDM system where the following parameters are used to determine the sequence order: the number of channels, the fiber loss profile, the set of wavelengths, the insertion loss model, the span length target, the power budget, and the number of intermediate nodes in combination with the rest of the claimed limitations.

8. Claim 14 is allowable over the prior art of record because the latter, either alone or in combination, does not disclose nor render obvious a computer readable medium comprising computer program code adapted to perform a method for optimizing the sequence order of optical filters in a WDM system where the following parameters are used to determine the sequence order: the number of channels, the fiber loss profile, the set of wavelengths, the insertion loss model, the span length target, the power budget, and the number of intermediate nodes in combination with the rest of the claimed limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek L. Dupuis whose telephone number is (571) 272-3101. The examiner can normally be reached on Monday - Friday 8:30am-4:30pm.

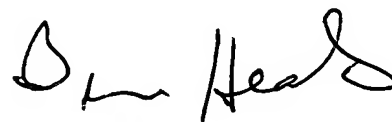
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Derek L. Dupuis  
Group Art Unit 2883



Brian Healy  
Primary Examiner